

UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )  
v. ) NO. 3:19-00287  
XU ZHANG ) Magistrate Judge Newbern

**RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO MODIFY  
CONDITIONS OF RELEASE**

The United States of America, by and through Donald Q. Cochran, United States Attorney, and the undersigned Assistant United States Attorney, hereby moves this Court to deny Defendant's Motion to Modify His Conditions of Release and Allow Him to Use His Own WeChat Account. In support, the United States submits the following:

1. The defendant, a Chinese national, was charged with one count of conspiracy to commit evidence tampering in violation of Title 18, United States Code, Section 1512(k) and one count of evidence tampering in violation of Title 18, United States Code, Sections 1512(c)(1) and 2.
2. Both counts involve the defendant's use of WeChat, a Chinese multi-purpose messaging, social media, and mobile payment application that can be accessed by mobile devices, personal computers, and the internet.
3. On November 18, 2019, the defendant was released on conditions, including GPS monitoring and that he not use WeChat for any purpose.
4. Indeed, a substantial amount of the evidence in this case relates directly or indirectly to the defendant's WeChat usage.
5. The defendant claims that he is "suffering a hardship" due to the count ordered condition that requires him to refrain from using WeChat for any purpose; however,

the WeChat prohibition ensures that he is not engaging in criminal activity similar to the activity that has already been charged in this case—activity that involved both the use of his own WeChat account and the use of others’ accounts.

6. Further, the defendant has demonstrated that he is able to communicate at his job without WeChat and that accommodations have been made for him in accordance with the Court’s conditions.
7. As the parties discussed in Court on the date of the defendant’s detention hearing, WeChat is not the only program for people in the United States to communicate with people in other countries, including China.
8. The defendant is not prohibited from using any number of other methods of communication, including, but not limited to cell phones, internet-based platforms such as Skype and Facetime, applications, and services to communicate with others both domestically and in China.

For the reasons discussed above, the United States opposes the defendant’s motion and respectfully requests that the Court deny the defendant’s motion and maintain the defendant’s current conditions.

Respectfully submitted,

DONALD Q. COCHRAN  
United States Attorney  
Middle District of Tennessee

/s Sara Beth Myers  
Sara Beth Myers  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 15, 2020, I filed the foregoing (sealed) with the Clerk of the Court and emailed a copy to Jennifer Thompson, 810 Broadway, Suite 305, Nashville TN.

Respectfully submitted,

s/Sara Beth Myers  
SARA BETH MYERS  
Assistant U.S. Attorney